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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,306	06/21/2001	Ponani Gopalakrishnan	8728-505 (YOR9-2001-0231U)	5598
46069	7590	06/01/2005	EXAMINER	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			SHINGLES, KRISTIE D	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/886,306

Applicant(s)

GOPALAKRISHNAN ET AL.

Examiner

Kristie Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

*Applicant has not amended any claims.
Claims 1-34 are still pending.*

Response to Arguments

1. Applicant's arguments (see Remarks pages 7-9 filed 2/14/2005) with respect to claims 1, 9, 17 and 26 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of *Takagi et al* (USPN 6,243,755) and *Donoho et al* (USPN 6,263,362).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 9-15, 17-23, 24 and 26-33 are rejected under 35 U.S.C. 102(e) as being anticipated by *Takagi et al* (USPN 6,243,755).

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a. **Per claims 9, 1, 17 and 26** (differ by statutory subject matter), *Takagi et al* teach a system for intelligent caching and network management, comprising:

- event and time information representing a users schedule (col.3 line 36-col.5 line 29; provision for user's schedule of activities and time);
- a location database including information about destination devices and capabilities of the destination devices (Figures 1 & 13, col.6 line 62-col.7 line 26, col.8 lines 12-31, col.9 lines 6-32, col.10 line 17-65, col.11 lines 5-26 and col.20 line 47-col.21 line 26; provision for storage of and user's location and terminal information in the information server/servers);
- a predictor which receives the event and time information and the information and capabilities of the destination devices to predict at least one of a location of the user and resources needed at the location such that the resources are transferred to the user at a location when and where the resources are needed (Figure 8, col.3 line 36-col.5 line 54, col.6 line 12-col.8 line 65, col.10 line 38-col.11 line 27 and col.12 line 29-col.13 line 20, col.14 lines 6-65, col.17 line 30-col.18 line 65 and col.37 lines 10-38; provision for prediction mean based on the user's scheduling activities, terminal information and location, wherein information is made available to the user's when needed and mean for determining accessible data and network connection capability based on the predictive data and user location).

b. **Per claims 2, 10, 18 and 27**, *Takagi et al* teach the system as recited in claim 1, wherein the settings include a user preference profile which includes user preferences employed by the predictor to predict a location of the user and resources needed at the location (col.12 line 29-col.13 line 49 and col.17 line 30-col.18 line 65).

c. **Per claims 3, 11, 19 and 28**, *Takagi et al* teach the system as recited in claim 2, wherein the user preferences are determined by past occurrences of user activities (col.9 line 26-32 and col.12 line 65-col.13 line 65).

d. **Per claims 4, 12, 20 and 29**, *Takagi et al* teach the system as recited in claim 2, wherein the user preference profile includes manually entered data (col.9 lines 26-32, col.12 line 29-col.13 line 20 and col.37 lines 10-21).

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e. **Per claims 5, 13, 21 and 30, *Takagi et al*** teach the system as recited in claim 1, wherein the contextual information includes a user itinerary (col.8 lines 49-65 and col.12 line 29-col.13 line 20).

f. **Per claims 6, 14, 22 and 31, *Takagi et al*** teach the system as recited in claim 1, wherein the devices available include one of a mobile communication device, a stationary communication device and a computer (Figures 1 & 13, col.6 line 62-col.7 line 59, col.29 line 34-col.30 line 61 and col.37 lines 48-58).

g. **Per claims 7, 15, 23 and 32, *Takagi et al*** teach the system as recited in claim 1, wherein the resources include at least one of a file, an application and data (col.11 lines 11-16, col.12 lines 29-48, col.29 line 36-col.31 line 15 and col.33 lines 1-25).

h. **Per claims 24 and 33, *Takagi et al*** teach the method as recited in claim 17, further comprising the step of transferring the resources to the user at a location when and where the resources are needed (col.7 line 12-col.8 line 45 and col.30 lines 4-63).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 8, 16, 25 and 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Takagi et al* (USPN 6,243,755) in view of *Donoho et al* (USPN 6,263,362).

a. **Per claims 8 and 16**, *Takagi et al* teach the systems of claims 1 and 9 as applied above, yet fail to explicitly teach the system as recited, further comprising a universal messaging system coupled to the predictor, the universal messaging system being configured to provide message services in accordance with the needs of the user predicted by the predictor. However, *Donoho et al* disclose allowance for a messaging system configured to provide messaging in various modes and formats to advise and notify users (col.7 line 21-col.8 line 9 and col.12 lines 1-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Takagi et al* and *Donoho et al* for the purpose of implementing a messaging system into the predictive caching system in order to provide notifications and other types of messages to the user; because it would aid in informing and alerting the user of the availability of data.

b. **Per claims 25 and 34**, *Takagi et al* teach the limitations of claims 24 and 34 as applied above, yet fail to explicitly teach the method as recited in claim 24, wherein the step of transferring the resources to the user includes blocking unwanted messages to the user. However, *Donoho et al* disclose provisions for protecting a user's privacy by prohibiting unsolicited/unsubscribe to data to reach the user (col.57 lines 39-61, col.63 line 1-col.64 line 2, col.65 lines 1-50 and col.66 lines 43-61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Takagi et al* and *Donoho et al* for the purpose of implementing protective feature in the predictive caching system to prohibit messages and the

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predicted correspondence deemed unwanted by the user, according to the user's profile/preferences.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Bull et al* (USPN 6,208,975), *Gershman et al* (USPN 6,199,099), *Kikinis* (USPN 6,553,410), *Wall et al* (USPN 6,654,806) and *Abbott et al* (US 2003/0046401).

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds


RUPAL DHARIA
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